



ACMETESTING

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Office of the Secretary
Federal Communication Commission
Washington D.C. 20554

Dear Sir/Madam,

RE: GEN Docket No. 98-68

Acme Testing Inc. is a member of ACIL. We contributed to and obviously support that organization's submission on this matter. This submission focuses on several specific areas where we believe additional comments are warranted.

CLAUSE 11

The Commission would be well aware of the impact scarce resources has had on the ability to perform some aspects of their function in a timely fashion. This clause states that appointment of TCB's will allow the Commission to "redirect resources to enforcement of the rules". We sincerely trust that this occurs sooner rather than later. Anecdotal evidence suggests that there are an increasing number of manufacturers who are not adhering to the existing rules.

CLAUSE 12

We fully support the use of ISO Guide 65 as the basis for qualifying TCB's. We note that there is provision for the FCC to provide guidelines for prospective TCB's on any "grey areas". One such area relates to "post market surveillance". We believe the Commission should establish clear requirements for this obligation, as it would obviously impact the fees that would be charged for certification of equipment. Establishment of a clear guideline will allow TCB's to understand what the FCC requires, and also allow them to properly price this aspect of the service.

CLAUSE 14

We are obviously concerned as to the additional costs that would be associated with compliance to Guide 65. However of more concern is that there might only be one body authorized to perform a Guide 65 audit {NIST}. This has two potential negative impacts:

- 1.] How to assure that the fees charged by NIST for certifications are competitive,

and

2.] What resources will NIST have to perform the requests for audits in a timely fashion.

We can envisage that a high percentage of the CAB's will want to apply for a Guide 65 audit. Will there be sufficient resources to handle 40 or 50 audit requests occurring at around the same time?

We have two suggestions for consideration.

1.] Allow the FCC to appoint "Provisional TCB's", similar to the arrangements that were applied when the DOC was implemented. At a minimum, the Provisional TCB should have current Guide 25 accreditation, and the FCC could also factor in their own assessment of the Provisional TCB's competencies based upon their dealings with them over a number of years. A specific timeframe would be set for the entity to obtain Guide 65 accreditation; again similar to the arrangements that existed for DOC.

2.] Allow other organizations that are certified to Guide 61 perform accreditation to Guide 65.

CLAUSE 17 General

We note the Commission does not want to restrict fees, presumably allowing the market to determine the level. This is fine in theory, however manufacturers will still have the option of dealing directly with the FCC who have already established a price structure for certification of certain equipment. These fees may or may not be appropriate once the costs of operating a TCB are more clearly understood. Perhaps the FCC should consider reviewing its own price structure when TCB's become operational to ensure there are no obvious unbalances.

CLAUSE 17 SUBCONTRACTING [Also Applicable to Appendix "A" 3.5{c}{1}]

There are obviously some risks in the Commission delegating certification work to private enterprise. We suggest the Commission should restrict the use of subcontractors to only those entities that hold current Accreditation to Guide 25. This provides the Commission with the additional assurance that an independent third party has audited all parties to a certification. This requirement would only apply where a TCB is certifying equipment that would previously been sent to the FCC.

CLAUSE 48

In several places in the NPRM, the Commission invites comments on the cost implications of the TCB initiative. However we note that Appendix "B" only focuses on the cost impact to small business manufacturers. There are obviously cost impacts on small businesses wishing to become TCB's, but presumably these costs can be recovered with fees charged for certification work performed. Smaller EMI laboratories may determine that they do not have the resources to pursue TCB. These small businesses may find it increasingly difficult to compete and may even be forced to exit the testing business.

SUMMARY

In summary, Acme Testing firmly supports the initiatives proposed in this NPRM, and appreciates the opportunity to be allowed to comment prior to implementation.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Steve FitzGerald", with a stylized flourish at the end.

Steve FitzGerald
President
July 20, 1998